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RECENT signs indicate that at least some leaders of labor-unions realize that the employment of lawless power for the enforcement of union demands will eventually not be tolerated by the community, and that it may even destroy unions. Attempts have been made in creeds, to deny theories and beliefs that are asserted in practice. Probably, these attempts are not always the result of a return of the sane and law-abiding mind, but are frequently expressions of a fear of growing public opinion against the present conduct of strikes, and against extravagant doctrines which, though denied in words, are often declared in deeds. It is clearly true, notwithstanding the formal denial of some labor leaders and of some social philosophers, that the essential error still controls the majority of aggressive unionists. This error is, that industrial liberty and industrial anarchy are the same. Indeed, it is not uncommon to confound liberty with anarchy; but, in this instance, by reason of this confusion of thought, the "third party" in a strike is threatened with loss of rights and with suffering.

The danger will continue to exist as long as any considerable number of people believe that any voluntary association may endeavor to compel any one, or any group or class of people, to yield to its wishes and to grant its demands. Whether the voluntary association be of capitalists or of working-men, the assertion of the right to employ force, or to resort to intimidation which amounts to force, is hostile to the state. It is, moreover, in many instances, the assertion by a voluntary association, always a minority of the community, of the possession of a power which

every constitutional state has denied to its own government. It is, in fact, a demand of the right to interfere with individual liberty, the liberty which each member of the community reserves to himself in surrendering those rights which must be yielded for the sake of the common weal—a liberty which is as sacred as the power of the state itself, and the protection of which is quite as much the duty of the state as is the enforcement of the powers bestowed upon the state's government.

One of the great difficulties in the way of the discussion of labor problems is an age-old mistake of the humane and sympathetic mind. Many of our most eminent social philosophers, men of heart and of impulsive speech, forget the law which orders and defends liberty, the law by means of which civilization, with its diffusion of comfort, has advanced, the law which promotes the general welfare, in their sentimentalism awakened and stimulated by what they regard as the wrongs of a class, meaning often the weakness of a class, or the demerits of individual members of the class. In their fever of sympathy, they would resort to the ancient folly of compelling goodness when what is needed is the enforcement of justice. The time will surely come when the relations between the employer and the employed will be better, more humane, more Christian, than they are to-day; but the coming of that time will not be hastened by legislation, nor by whimsical, therefore despotic, administrative spasms; it will come when the mutual relations of all men are improved by the enlightenment of mind and of soul, by the enlargement of wisdom, and by the softening of manners.

In the meantime, it is well to dwell upon a few fundamental truths which are here applied to the problem of the labor organization, but which are as applicable to the employer as to the employed. And especially are they applicable to those who are charged with the tasks and duties of government; for, in these later days, the politician has been the greatest of sinners in labor disputes through which the innocent "third party" has suffered.

The only authority which may limit industrial or civil liberty is the state; and the limitations which our law has placed upon the conduct of the individual, as a member of the community and as a neighbor, guard the liberty which is the right of every citizen of our free state. The law limits liberty for the welfare of society and for the happiness of the individual. It gives to soci-

ety peace and order, the security of respected precedents, the wisdom of long-accepted tradition; it gives to the individual the freedom of his opportunities, by means of which he may develop the powers with which he is endowed, and, as he thus attains the fullest and highest achievements of which his nature is capable, he will inevitably promote the interests of society.

The law gives to all citizens who are engaged in industry, to capitalist and to laborer, the right to work. It protects the fruits of a man's labor, his property and his control of his property, from plunder, from intrusion, and from denial. It forbids every man to prevent his fellows from doing with their own what seems best to them, so long as they keep within the law. It gives to the individual working-man the right of free contract, the right to choose his employment and his employer, the right to work for any wage which he may agree to receive; the law denies to the individual working-man the right to compel an employer to use or to manage his property in accordance with another's will, or against the will, or against the interests, or against the fancy, of the owner; and it forbids him to deprive a fellow working-man of the right to labor, or forcibly to interfere with the free exercise of that right.

The law gives us an ordered industrial liberty, as it gives us an ordered civil liberty. Whoever invades the liberty which is guarded by the state is an enemy of the state and of society. There would be no industrial liberty but for the limitations of the law; and, without restraint, industry itself would hardly exist. Certainly, if there had been no industrial liberty, the modern achievements of industry would not have been gained. The law which restrains a man from injuring his neighbors, and which protects him from the passions and from the dishonesty of those neighbors, has been vindicated by the history of men and of industry.

The exercise of the lawful rights of men who are engaged in industry has resulted in the wonderful industrial achievements of our time. It is by freedom that men have advanced in the arts of civilization. Under freedom, the community has prospered by the development of the individual; wherever legislatures or trade-unions have undertaken to add to, or to change, or to abolish, the wholesome regulations of the fundamental law, we have had the degradation of the individual. Working alone or in combination

with others, the individual has changed the face of the world and has elevated humanity. The gains of our civilization during the last hundred years have been largely the gains of industry, and these have been made possible by *combinations* of men, by harmonious combinations—not by those which have sought to bring the workers to a level with one another either in effort or in wages, or which have sought to take the control and direction of the property and its business from the responsible owner, or from the manager expert in adopting economies of production, in anticipating the course of the market, or the changes in public taste. Efficiency has not resulted from the effort to give the hand which works control over the mind which plans and which conducts. Nowhere are the material accomplishments of individuals so great and so obvious as are those of the American inventor, producer, distributor, capitalist. His untiring energy; his acute intelligence; his wisdom in recognizing that for his own good he must work for the good of all; the boldness and ability with which he uses, in the service of industry, his own capital and the capital of those who have faith in him; have brought forth fruits of the abundance and wealth of which the country is hardly conscious. The work of this controlling individual has resulted in a saving in the cost of production of from forty to more than eighty per cent. In many establishments five men can now do the work which, a few years ago, required the labor of from eight to ten men, with more satisfactory results, while each man receives a larger wage than was paid in the earlier times.

Temporary and natural causes may increase, or decrease, the cost of living, or may advance, or lower, the rate of wages; but, in a hundred years, that industrial freedom which is granted and guarded by the law, has enormously elevated the human race. The nobleman of the days of Charles II., in the joyous period of the Restoration, possessed many of the luxuries of domestic life, dwelt in houses as beautiful and as commodious as our best, read a literature which we continue to count among our most precious possessions, and saw the beginnings of those applications of the laws of science which have given to dwellers in cottages more wholesome houses, sounder health, and longer lives than kings enjoyed in the splendid days when the capabilities of all men were not yet free. The civilized world has been turned into one great neighborhood by individual enterprise.

The voluntary combination of human forces has added to the wealth of the whole, and in this accomplishment the men who have worked for wages have gained, relatively, the most. While establishments and men have decreased, as in the iron and steel business from 1880 to 1900, in the one case, and in the British marine in the other case, production and wages have both increased. In these twenty years the number of iron and steel establishments in the United States decreased from 1,005 to 668; in the same period the number of wage-earners increased about fifty-eight per cent., while the total wages increased 120 per cent. At the same time, the capital which worked with labor for this result increased nearly 150 per cent. The census of 1900 shows that, in the twenty years, in fifteen selected industries, employing from 2,732,000 to more than 5,000,000 wage-earners, while the increase in number of wage-earners was about 94 per cent., the increase in amount of wages paid was 145 per cent.

Efforts have been made at various times in the world's history to change the industrial system. The Socialists assure us that the whole community acting together can accomplish more for mankind than the individual; but this movement will succeed only when the task of administering productive and distributive instruments is no longer important, or when the single trained mind can do no better administrative work than can be done by the voting majority of a community or of a voluntary association. We are told that society ought to furnish the capital for industrial enterprises, to the end that the workmen actually employed in the tasks of production and distribution may possess and enjoy all the fruits of their labor. The experiment was tried in France in 1848. Despite the fact, however, that French working-men have displayed greater capacity than the workmen of other countries for co-operation in production, the experiment was a dismal failure, the capital was wasted, and the wage-earners who participated were the greatest sufferers.

Not only do the limitations of the law protect the freedom of men, their right to work, their right to the property which they earn, that freedom of contract without the possession of which the wage-earner has not his civil liberty, but industrial liberty thus ordered and fortified has resulted in the magical gains which have given to us a new material world. Modern methods have also elevated the wage-earner from the condition of the "malicious

servant" of the fourteenth century "Statute of Laborers," to the working-man of to-day. Increase of production has increased his reward; diversity of employment has enlarged his skill; the system of corporations has not only given to him the advantage of the capital, of the active, persisting energy of the achievements of the past, but has given him the opportunity of ownership as he did not before possess it.

So much for the achievements of the individual workers, capitalists and working-men in association, under the rule of the law which protects individual liberty. The employer of labor is contending for the maintenance of a system which has brought to us with accumulation of wealth, abundance of comfort, of ease, of welfare, of rich opportunities for repose that, in its turn, if rightly used, gives an opportunity for the improvement of the intellectual and spiritual side of man. The community is as deeply concerned as the employer in maintaining this ordered liberty, for it is civilization itself which is thereby advanced. The wage-earner also ought to struggle for his industrial liberty as he would struggle for his political liberty if it were attacked; but the "social unrest," as it is called, which has always existed, and which will exist for years, perhaps for ages hence, because men with equal rights to liberty do not possess equal minds, equal characters, equal capabilities,—this "social unrest" searches in industrial tyranny for an impossible cure for an imaginary evil.

Probably, no one will be found to question the right of the wage-earners to combine, or their right to take advantage of their legal opportunities to obtain larger and larger shares of the products which they help to make or to bring forth from the earth. No one will deny that it is wise for the employers of labor to consult with their own working-men. It is true that sometimes restraint of trade follows such discussions, but the halt which is called upon an industry in prosperous times by a demand of the wage-earners for higher pay, and by a refusal of the demand, is in obedience to a law of nature. No human law can prevent it. Nothing will prevent it but the wisdom of the employer in anticipating the wage-earner, and in giving him a share in the increased prosperity of the business. But aggressive limitations upon industrial liberty, beyond those imposed by the law to protect and advance that liberty, constitute industrial lawlessness and industrial tyranny. In the fourteenth century in England the government

undertook to fix the wage of the laborer, and to keep him confined to the parish in which he happened to dwell. In this century, the labor-union has followed the example of mediæval English kings and parliaments.

I am speaking only of the excessive demands and extravagant actions of many, if not of most, labor-unions. These are the subject of immediate criticism for they are the conspicuous and the harmful, as well as the most advanced, assertions of organized labor. Moreover, if the demands should be granted, or should be forced upon the community by the action of the unions, we should have a revolution in social, perhaps in political, conditions.

Labor-unions endeavor to exercise powers of government which are properly possessed and exercised by the state alone; and, more than once, one of these voluntary organizations of private citizens has actually succeeded in placing itself above the state and its government. The demand is disloyalty to the state, and seeks to replace the law with the discretion of irresponsible individuals. The law of the union to which the employees of the Government Printing-office belong, for instance, makes the union paramount over the nation, and members of it have seemed to hesitate to take the oath of allegiance to the Constitution of the United States, for the reason that such an oath might conflict with their superior duty to the union. A union in New York has expelled a member because, as a soldier of the State Militia, he did his duty, not only as a citizen but as a sworn member of the State's constabulary, in aiding to defend life and property against lawless strikers. In Connecticut, a member of a union, who was also an officer of the militia, resigned his commission for fear that if he remained a soldier of the State he might be called upon to aid in enforcing its laws against riotous members of his own union. The union professes to believe that a state of war exists between employer and employed, and insists that strikers have, therefore, the right to break the ordinary laws which prevail in time of peace, to resort to the boycott, to injure the business of their enemies, and to prevent non-unionists from working. There is no better illustration of the nature of this lawlessness than that which is furnished by the findings of the Anthracite-Coal Strike Commission of 1903. The Commission adjudged as follows:

"Its history is stained with a record of riot and bloodshed, culminating in three murders, unprovoked save by the fact that two of the victims

were asserting their right to work, and another, as an officer of the law, was performing his duty, in attempting to preserve the peace. Men who chose to be employed, or who remained at work, were assailed and threatened, and they and their families terrorized and intimidated. In several instances, the houses of such workmen were dynamited, or otherwise assaulted, and the lives of unoffending women and children put in jeopardy. The armed guard, employed to protect the collieries and the men who worked them, appears not to have been an unnecessary precaution, and the Governor of the State was, as the evidence before the Commission shows, justified in calling out the citizen soldiery of the commonwealth to preserve its peace and vindicate its laws."

Speaking of what it called the "primary boycott," the Commission thus condemned it:

"The right and liberty to pursue a lawful calling and to lead a peaceable life, free from molestation or attack, concerns the comfort and happiness of all men, and the denial of them means destruction of one of the greatest, if not the greatest, of the benefits which the social organization confers. What is popularly known as the boycott (a word of evil omen and unhappy origin) is a form of coercion by which a combination of many persons seek to work their will upon a single person, or upon a few persons, by compelling others to abstain from social or beneficial business intercourse with such person or persons. Carried to the extent sometimes practised in aid of a strike, and as was in some instances practised in connection with the late anthracite strike, it is a cruel weapon of aggression, and its use immoral and anti-social."

The Commissioners furthermore gave these instances of what they called the "secondary boycott":

"A young schoolmistress of intelligence, character, and attainments, was so boycotted, and her dismissal from employment compelled, for no other reason than that a brother, not living in her immediate family, chose to work contrary to the wishes and will of the striking miners. A lad, about fifteen years old, employed in a drug store, was discharged, owing to threats made to his employer by a delegation of the strikers, on behalf of their organization, for the reason that his father had chosen to return to work before the strike was ended."

The offences thus described by the Commissioners show that, in the anthracite strike, war was waged against the liberty of the individual; the operators were unlawfully forbidden to employ any one distasteful to the union; and the non-union men were unlawfully forbidden to work. Here, also, was war against society and the state, for the union broke the peace and order of the commonwealth. To one who recognizes the sanctity of that

fundamental law by the observance of which savage liberty has been restrained, while ordered liberty has been established in its place, it is clear that it is the duty, not only of employers alone, but of all good citizens, to resist such lawless pretensions, and to refuse to yield to demands for higher wages or shorter hours when they are made by rioters and law-breakers.

It is also true that the labor-union in this anthracite strike, as in other strikes, and in more than one written constitution, has insisted upon the right to exercise control over the property of the employer. The employer is responsible, under the law, for the management of his property, responsible to society and to the individual, responsible for the use of this property in obedience to the law; but union leaders or delegates, representing unincorporated organizations, demand control, although they have no responsibility for the management of the business, although they insist on operating outside of and against the law, and although they may not be interested in the property beyond the earning of wages in its service, while some have not even that interest. They attempt to restrain the employer of his liberty by designating the men whom he shall hire; by deciding for him questions of discipline which affect the value or the product of his property; by determining the rate of wages which he shall pay, regardless of the fact, as in a recent strike, that the earnings of the business may not warrant the payment, and, therefore, notwithstanding the further fact that his surrender to the demand would bring loss of dividend, or of profit, to the owner, and loss of employment to the working-man. The boycott, the picket, and other forms of violence are resorted to for the purpose of compelling accession to these demands.

These efforts to limit industrial liberty are, as I have said, the excesses of labor-unions, but they grow out of a claim of right which is universal among the unions and their indiscriminating defenders. This claim is, that the wage-earner may demand as a right what is purely a subject for free contract between the employer and his own employees. Demands for shorter hours, for higher pay, or for the adoption of a sliding scale, are proper subjects for voluntary discussion and agreement, but the law of man and the law of morality forbid any citizen, whether he be laborer or capitalist, to enforce his demands by violence, by the oppression of others, by a denial to any man of his right to work for whom

he will and for what he will, of his right to hire any man for what that man is willing to accept. Against such action by the labor-unions, it is the duty of the employer to contend, not only as a citizen, but as an individual whose rightful liberty is sought to be invaded and, perhaps, destroyed. It is the duty of the community also to withstand these exaggerated demands, not only because the state is charged with the maintenance of order, and with the preservation of life and property, but because it is bound to enforce obedience to all its laws, and especially to breed a wholesome respect for that law which defends individual liberty.

It is also the duty of the citizen and of the state to defend the old and tried industrial system, which, through the operation of the free mind and the free hand of the free man, alone or incorporated with others, has given us the splendid gains of the inventors, of the adventurous and far-sighted directors of industrial enterprises, and of the wise and courageous capitalist who, having faith in the future, has embarked his property in services which are for mankind as well as for himself. The contention of the employer that he will recognize in a controversy between himself and them only the men who are engaged in his own business, conceding their right to be represented, ought to be upheld by the free community. In essence, the issue here is between the free citizen and communism. The corporation gives to industry the advantage of combined capital, which is a concentration of force. It does not interfere with the liberty of him who owns and manages the property, or with the liberty of him who works for wages. It gives to the one the added strength of larger capital, the opportunities for greater economies, for cheaper production, and for larger and more numerous markets. The wide distribution of shares gives to the wage-earner an opportunity for ownership which he did not enjoy in the day of the partnership. The corporation, in a word, helps the individual to rise, for the prosperity of the corporation, like the advancement of civilization itself, depends upon the gains of the free exceptional individual. Opposed to this system is that of common ownership, or of communism, in which the property of the community would be controlled and directed by a majority of the whole. Instead of the judgment and decision of the experienced and trained man on administrative questions, we should have the opinion of the majority, probably the greater part of whom would have no personal interest in the

subject, while many of them might be wholly ignorant of it. The trade-union endeavors to apply the communistic principle to industrial controversies by insisting that the employer shall not treat with his own employees alone, the men who are his fellow workmen in the same enterprise, the only men who, with himself, will feel directly the good or the evil, the loss or the gain, the ruin or the prosperity which must come from the decision of the conference; but it asserts that he must treat with labor at large, with the whole community of labor. Against the change of system thus demanded he ought to protest, because, as the political communist would place the indifferent and the weaker intelligence in control of the public business, this demand of labor would put property and business at the mercy of an incompetent majority. Already we see the consequences of majority government in industrial affairs in the rules of unions, which prevent, or which attempt to prevent, the rise of the superior man by reducing him to the level of the inefficient. In contending against this levelling communism, the employer is rendering a service to the community and to the wage-earner himself. As free citizens, the wage-earners have the right to work or to refuse to work, to demand better pay and to strike if they do not obtain it; but they *must* obey the law of the state, and they *ought* to obey that law of nature which vindicates the law of the state. Working-men themselves are the first victims of a tyranny which places obstacles in the way of the rise of their own best men, and which often may deny the right to work to the great majority of wage-earners in this country.

The time may come when unions will work wisely for the good of their members; and then they will work for the good of the community, as the English guilds in the Middle Ages, in organizing against pressure from the barons, worked for the liberty of the individual, and therefore for the political development of the commons. But, at present, those who speak the voice of the unions, and who control their conduct, are busying themselves with the task of replacing the tyranny of the Parliament of Edward III., which enacted a statute to enslave labor, with the tyranny of a majority, who would, without law and in defiance of it, enslave both capital and labor.

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